

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

MASSACHUSETTS BAY INSURANCE
COMPANY, as Subrogee of WORLD FIBER
TECHNOLOGIES, INC.,

Plaintiff,

v.

SUNBELT DIRECTIONAL DRILLING, INC.

Defendant.

Civil Action No: 1-07-
CV-0408-JOF

**PLAINTIFF'S RESPONSE TO
DEFENDANT'S MOTION FOR PARTIAL SUMMARY JUDGMENT**

COMES NOW Plaintiff, MASSACHUSETTS BAY INSURANCE COMPANY, as Subrogee of WORLD FIBER TECHNOLOGIES, INC., and files its Response to Defendant's Motion for Partial Summary Judgment as follows:

Plaintiff, having reviewed the legal position of the Defendant and the cited authority, concurs that the statute of limitation has expired on any subrogation claim sounding in negligence, and has notified opposing counsel of its position in a letter attached hereto as Exhibit "A".

Plaintiff will consent to Defendant's motion, but only as to the negligence theory of subrogation. Plaintiff reserves all other claims asserted in the Complaint as a basis for its subrogation claims.

Respectfully submitted this 10th day of September, 2007.

/s/ M. Scott Barksdale

M. Scott Barksdale

GA State Bar No. 037975

Counsel for Plaintiff

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CERTIFICATE OF SERVICE

This is to certify that I have this date electronically filed **PLAINTIFF'S
RESPONSE TO DEFENDANT'S MOTION FOR PARTIAL SUMMARY
JUDGMENT** with the Clerk of Court using the CM/ECF system which will
automatically send e-mail notification of such filing to the following attorneys of
record:

Attorney for Plaintiff

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Respectfully submitted this 10th day of September, 2007.

/s/ M. Scott Barksdale

M. SCOTT BARKSDALE

Ga. Bar No. 037975

Attorney for Plaintiff

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